

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Response to Amendment

The undersigned appreciates the Examiner's observation and handling of the oversight made in presenting the claims in the reply mailed to the Office on March 17, 2003. The oversight has now been remedied.

Claim Rejections - 35 USC § 112

Claim 1 has been amended to recite applicant's inventive frame with greater particularity, thereby to eliminate any issue regarding the claims compliance with 35 USC § 112. Entry of the amendments to claim 1 is respectfully requested, whereupon the rejection based on 35 USC § 112 presumably will be moot.

The amendments to claim 1 further highlight previously argued differences over the prior art, whereupon the claims are now submitted as being allowable and therefore properly enterable to place the application in condition for allowance. In particular, the transverse member is defined as having an interior and exterior face, first and second pairs of opposing side edges and corner edges, which are defined by the junction of a first side edge with a second side edge. These amendments clarify that the side member is located in relation to the side edges and not to a top or bottom surface as suggested by the Examiner in the Examiner's earlier assessment of, at least, the Kern and Mazura patents, which are discussed below.

Claim Rejections - 35 USC § 102

The claims previously were rejected as being anticipated by or unpatentable over Kern (US 3,606,020), Mazura et al. (US 5,488,543), DE 29709227 and Anderson et al. (US 5,806,945). Withdrawal of the art rejections is respectfully requested for at least the following reasons.

Turning first to US Patent 3,606,020 (Kern), Kern fails to disclose at least the side members being stepped back from a corner edge (the junction of a first side edge and a second side edge). It is clear from Figs. 1 and 2 that Kern does not disclose a space between a corner edge and the side member. In Kern, it is clearly shown in Figs.

1 and 2 that the arrangement of the side members and the transverse members is such that the elongate edge of a side member is flush with the edge of a transverse member. Clearly the side member is not stepped back from a corner edge and consequently, there is no space disclosed.

Turning to US Patent 5,488,543 (Mazura), it is respectfully submitted that the Examiner's assessment of Mazura is in error, since Mazura clearly does not disclose two U-shaped bars or tubes connected together to form the transverse member. The Examiner has applied hindsight reasoning to arrive at a suggestion that Mazura's transverse members comprise two U-shaped members. Clearly, Mazura discloses a plate having holes and recesses manufactured into it. However, Mazura fails to disclose two U-shaped bars or tubes. Even if the Examiner's hindsight reasoning is applied and Mazura is interpreted as disclosing two U-shaped members, Mazura still would not disclose the arrangement of the side members set forth in claim 1. Mazura discloses four elongate members, each attached at the ends to the interior face of a transverse member. Mazura fails to disclose side members and their location on a side edge stepped back from a corner edge to define a space between the corner edge and the side member.

Turning now to DE 297 09 227, the Examiner suggests that DE 297 09 227 discloses side members to be stepped back from two non-adjacent sides of the transverse members. Clearly, the side member 10 at the juncture of panels 11 and 12 is displaced from other panel 11 and panel 13, but this does not provide a "step back" as claimed. Indeed, the "step back" referred to by the Examiner appears to be the distance between two side members, that is the extent of the "open" side of the frame structure. DE 297 09 227 does not disclose the side members (10) being stepped back from a corner edge of the transverse members.


Conclusion

In summary, the claims are submitted as being novel and non-obvious with respect to the prior art. In particular, as discussed above, none of the citations disclose a side member stepped back from a corner edge to define a space between the corner edge and the side member. Therefore, even if the skilled person were somehow motivated to combine the teachings of Kern, Mazura and/or DE 297 09 227, it still would be impossible to arrive at the subject matter of claim 1. Accordingly, it is submitted that the claimed invention would not have been obvious at the time the invention was made.

This application is now in condition for allowance and an early action to that effect is earnestly solicited.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

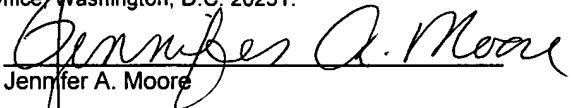
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Date: September 25, 2003


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